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OLC RECORD COPY

OLC: 78-0638/4

26 MAY 1978

STAT MEMORANDUM FOR: [REDACTED]  
Deputy Executive Secretary

FROM: [REDACTED]  
Acting Legislative Counsel

STAT SUBJECT: Monthly Cable "Director's Report to the Field"  
(For Period 1-31 May 1978)

REFERENCE: D/ES Memo dtd 24 May 78; Same Subject

1. Attached herewith are the Office of Legislative Counsel inputs for the Director's Monthly Report to the Field as was requested in reference.

2. Please coordinate the draft cable with [REDACTED]  
of my staff. She can be reached on extension [REDACTED]

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Attachment:  
As Stated

Distribution:  
Orig - Addressee w/att  
1-ER w/att  
1-OLC Subject w/att  
1-OLC Chron w/o/att  
OLC:ABS:mlg(25 May 1978)

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[REDACTED]  
INPUTS FOR DIRECTOR'S MONTHLY CABLE  
TO FIELDI. CHARTERS:

Charter and Guidelines Subcommittee of Senate Select Committee on Intelligence held three public hearings during May on S. 2525, intelligence charter legislation. Testifying on 3 and 4 May were journalists, editors and other representatives of news media. On 3 May, newsmen who testified included a Capitol Hill reporter for U.P.I., Nicholas Danilof, Washington Bureau Chief of the Los Angeles Times, Jack Nelson, and author, columnist and former CBS reporter Daniel Schorr. All three newsmen agreed that the charter should include language prohibiting paid or contractual relationships between intelligence agencies and journalists but cautioned the Committee to "steer clear of seeking to regulate the voluntary and unpaid relationships between news people and intelligence agencies." On 4 May the Subcommittee continued to receive testimony from other news media representatives including: Richard Leonard, Editor, Milwaukee Journal; Philip L. Geyelin, Editorial Page Editor of the Washington Post; Edwin Keith Fuller, Associated Press General Manager; and, Mike Wallace, (CBS) Sixty Minutes Reporter. The 4 May witnesses suggested that S. 2525 should prohibit CIA from having paid relationships with foreign journalists as well as U.S. journalists and stressed that the charter legislation should prohibit use by intelligence agencies of journalistic cover.

On 16 May, the SSCI continued the intelligence charter legislation hearings, receiving testimony from former DCI Richard Helms. Mr. Helms made the following points: S. 2525 would create more difficulties than it would resolve; S. 2525 would create a legal structure that would diminish the flexibility of the President in the national security arena; while the Congress should have an intelligence oversight role, it is the President who should develop guidelines and restrictions for intelligence; S. 2525 would have the operative effect of allowing the Committee staff to run intelligence; S. 2525 should provide the DCI with an enforcement mechanism with regard to his statutory responsibility to protect intelligence sources and methods; S. 2525 contains too many confusing definitions while leaving a key phrase, "national security" undefined; S. 2525 should not provide for the possibility of the Director of National Intelligence (DNI) being a different individual than the Director of the CIA.

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This month, the following individuals are scheduled to testify: former Chief of Naval Operations, Admiral Zumwalt, and former head of DIA, General Samuel Wilson, on 6 June; the President of AFIO, General Stillwell, and former NSC staffer Halperin on 15 June; and, former Solicitor General Bork and Professor of Yale Law School, Thomas Emerson on 21 June. Former Secretary of State Kissinger is tentatively scheduled to testify on 22 June.

## II. ELECTRONIC SURVEILLANCE LEGISLATION:

The House Permanent Select Committee on Intelligence ordered the electronic surveillance legislation reported to the floor on 17 May. The principal differences between this bill and the version which passed the Senate are that the House bill exempts communications between and among foreign powers from the warrant requirement, provides for the use of equipment for training purposes and provides for surveillance of "members" of a foreign power. The House Judiciary Committee also has jurisdiction over the bill and, if it chooses to exercise it, could delay the bill further.

## III. FINANCIAL DISCLOSURE LEGISLATION:

The House Leadership still has not scheduled final floor action on the proposals which have been reported by the Judiciary, Post Office and Civil Service, and Armed Forces Committees. Passage of the bill continues to be delayed because of the debate over the limit on outside income earned by House members.

## IV. HATCH ACT:

The bill proposing amendments to the Hatch Act appears dead for this session.

## V. TAXATION OF OVERSEAS ALLOWANCES:

There has been no action during the past month on the issue of taxation of certain overseas allowances.

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VI. CIVIL SERVICE REFORM LEGISLATION:

The Administration-backed Civil Service Reform Legislation is still before the House Post Office and Civil Service Committee and the Senate Governmental Affairs Committee. The Civil Service Commission has sent both Committees amendatory language exempting the CIA from the provisions of the legislation, reflecting our concerns that the bill would adversely impact on the Agency's unique personnel needs and authorities. Legislation protecting Government whistle-blowers is being considered in conjunction with the Civil Service Reform Legislation. We are working to ensure that intelligence agencies are not subject to provisions as in this legislation, which also do not reflect the special needs of intelligence agencies.

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OLC #78-1638/3

24 May 1978

MEMORANDUM FOR: Deputy Director for Administration  
Acting Legislative Counsel  
General Counsel  
Assistant to the DCI (Public Affairs)

SUBJECT : Monthly Cable "Director's Report to  
the Field" (For Period 1-31 May 78)

REFERENCE : a) D/ES Memo to same addres. dtd  
22 Apr. 78; same subject

b) Director's Report to the Field  
for April 1978 (For Period 1-30 Apr 78)

1. Please forward to me by COB <sup>FRIDAY</sup> Wednesday, 26 May, your inputs  
to the Director's Report to the Field for the period 1-31 May.

2. In preparing your responses, please review the Director's  
April cable (attached) updating each item as necessary.

3. After consolidating your responses, the draft cable will be  
coordinated with each of you prior to forwarding it to the DDCI and  
DCI.

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Deputy Executive Secretary

Attachment

Distribution:

Orig - ES  
1 - Each as above  
1 - ER

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when separated from  
classified attachment

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OLC 78-0582

Washington, D.C. 20505

Honorable Birch Bayh, Chairman  
Select Committee on Intelligence  
United States Senate  
Washington, D.C. 20510

24 MAY 1978

Dear Mr. Chairman:

Late last year, Senator Inouye inquired (Q#992, 15 December 1977) about "originals" of certain listed documents that had not been located. He requested that an attempt be made to determine where such "originals" might now repose. This matter has been discussed with Mr. Michael Epstein, of your staff, and this letter constitutes a formal reply for the record. Specific responses concerning the documents mentioned by Senator Inouye are enclosed; they correspond to the paragraphs in the enclosure to Senator Inouye's inquiry.

Under procedures instituted pursuant to Executive Order 11652 and predecessor regulations, recipient departments or agencies are responsible for the protection of classified documents after receiving them. The volume of sensitive documents exchanged throughout the Executive Branch makes this a practical necessity. Secret level documents can be destroyed without the originator being informed, and without record of the destruction. Top Secret documents are signed for upon receipt by the addressee department or agency, and are handled in accordance with Top Secret control procedures. Addressees are not required to inform the originator when and if such a document is destroyed. It is, however, the addressee's responsibility to maintain a record of the document's disposition.

Section 1-604 of Executive Order 12036 contains implementing instructions for the DCI's statutory responsibility to protect intelligence sources and methods. Except for the Office of the DCI and CIA, this section limits the Director's authority to "Providing policy, guidance, and technical assistance to departments and agencies regarding protection of intelligence information..." Thus I have no authority to pursue the unaccountability of documents listed in Sections I, II, and X of the enclosure to Senator Inouye's letter. Sections III through IX, however, deal with unaccountable CIA documents. I have asked my Security Committee, including representatives of major Community components, to inquire into this matter. Thank you for bringing it to my attention.

Yours sincerely,

/s/ Stansfield Turner

STANSFIELD TURNER

Enclosure

DOWNGRADED TO UNCLASSIFIED WHEN  
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SEPARATED FROM ENCLOSURE

ENTIRE  
FILED SSCI

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